declaration. I need not have in it a mental hospital. I am not legally bound to have a course of curative treatment carried on there. Then what happens is this. One can put up a large number of sheds suitable for the detention of lunatics and make a profit out of it without undergoing any corresponding inconveniences or expenses attending the establishment of a mental hospital. The statutory power of declaration must be restricted to cases where mental hospitals, as distinct from asylums, are established. Again the power for a declaration must have a corresponding power to wipe out the effect of the declaration whenever there is a necessitty for it. This power must be as express and clear as the other. Otherwise after making declaration Government will find themselves incompetent to undo the mischief that they might have done. In British India if the conditions of the license are not satisfactorily complied with or if no curative treatment is carried on on proper lines Government can cancel the license and deal with the matter in a way they deem best. Statutory provision is made for this. Under the general law a license is liable to be cancelled if the licensee does not conform to the conditions. In spite of this, the British Indian Legislature thought that express provision was necessary.

Now this small word 'or' in this clause without the inconvenient long clauses relating to the three matters above indicated, has created great difficulties. I therefore thought that if Government who are responsible for the drafting of this Bill did not want any of the inconveniences of the British Indian Act, they should not enjoy the unrestricted convenience arising from this small word 'or'. The effect of the amendment would be that Government alone shall establish lunatic asylums and they shall declare them to be such.

The House rose for lunch at 1-7 P. M. and re-assembled at 2-2 P. M., the Deputy President presiding.

NEW MEMBER SWORN IN.

DEPUTY PRESIDENT: The Secretary to the Assembly called out the name of Mr. N. K. Padmanabha Pillai to take the oath. I wish to say this. I do not see it in the agenda, and, so far as the rules go, the taking of oath must precede every other business in the House in the morning. I wish to hear from the Law Member how the precedents stand.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): So far as precedents are concerned, I think there has been an instance, in the last session. It was, I believe, Mr. Thiravium Nadar who took the oath in the afternoon. It is only a small business and it is left to the discretion of the Chair to allow half a minute for it.

DEPUTY PRESIDENT: Not that I am unwilling to allow the time required for it. But I do not want to use my discretion. if the precedents are so strong that I am bound to follow them.

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MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : It is in the agenda.

DEPUTY PRESIDENT : That is taking of the oath in the morning.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Yes.

DEPUTY PRESIDENT : But is there any well-defined practice in this House as regards the taking of oath in the afternoon ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Yes.

DEPUTY PRESIDENT : As I understand from the Law Member that there is a clear and well-defined practice, for the time being, I propose to follow that practice. Mr. Padmanabha Pillai may take the oath.

Mr. N. K. Padmanabha Pillai then took the oath and signed the Rolls.

THE TRAVANCORE LUNACY BILL—(*contd.*)

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*) : Sir, to elucidate my point I wish to read some of the relevant sections of the corresponding British Indian Enactment. Section 3 clause (1) says :

"Asylum means an asylum or mental hospital for lunatics established or licensed by Government."

Sections 84, 84 A and 86 are the three sections dealing with the licensing of private asylums, that have been significantly omitted by the Law Member from this Bill.

Those sections are dealt with in a separate Chapter, Chapter VI —Establishment of asylums.

Section 84 reads :

"The Local Government may establish or license the establishment of asylums in such cases as it thinks fit, if it is satisfied that provision has been or will be made for the treatment therein of persons suffering from mental diseases."

Section 84 A reads —

"If in any licensed asylum no provision for curative treatment has been made, or the Local Government consider that the provision made is insufficient, the Local Government may require the person in charge of the asylum to take such measures for making or supplementing such provision as it may deem necessary, and, if such person does not comply with the requisition within a reasonable time, the Local Government may revoke the license."

Section 85 is not relevant and has been rightly omitted from our Bill.

Then the next relevant section is section 86.

DEPUTY PRESIDENT : I wish to make one point clear. You seem to refer to the British Indian Act rather elaborately and you are pointing out what sections of the British Indian Act have been ommitted and so forth. It is not stated that this Bill is drafted exactly on the same lines and in the same manner as the British Indian Enactment. No doubt, that might have been used. So, any elaborate observation of what the British Indian law is may be avoided. Reference may certainly be made whenever necessary.

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